

[திரு. செ. மாதவன்] [21st July 1964]

இருக்கிறது என்ற கருத்தை ஒப்புக்கொள்ளுவதற்காகவாவது, இரண்டு பசலி தத்துவத்தை ஏற்றுக்கொண்டு, எங்களுடைய இரண்டாவது திருத்தத்தை—இரண்டு பைனான்ஷியல் வருஷங்கள் என்று போட்டிருக்கிறோம், ஒரே ஒரு வருஷத்தைத் தான் குறைக்கச் சொல்லுகிறோம்—ஏற்கனவே ஒப்புக்கொண்டுள்ள கொள்கைப்படி, ஏற்றுக்கொள்ளும்படி கேட்டுக்கொள்கிறேன்.

* கனம் திரு. ஆர். வெங்கட்டராமன் : கனம் சபாநாயகர் அவர்களே, பழைய பாக்கிகள் எல்லாம் ரத்து ஆகிவிட்டன என்று சொல்லுவது நாம் ஏற்றுக்கொண்டிருக்கிற கொள்கைக்குச் சரியாக இருக்காது. ஒருவருடைய சொத்தை எடுப்பதற்கு முன்னால், காம்ப்ன்சேஷன் கொடுக்க வேண்டுமென்று ஒப்புக்கொண்டவர்கள் நாம். பழைய பாக்கிகள் அத்தனையும் ரத்து செய்து விம்டோம் என்று சொல்லுவதற்கு இயலாது. இரண்டு வருஷமா, மூன்று வருஷமா என்று பார்க்கிறபொழுது ஜமீந்தாரி முறை இருந்த இடத்திலே 2 வருஷம் compensation போதும் என்று சொன்னோம். மைனர் இனாம்களைப் பொறுத்த வரையில் 3 வருஷங்கள் என்று சொல்லியிருக்கிறோம். இது மைனர் இனாம் போன்ற வகையைச் சேர்ந்ததால், 3 வருஷம் என்று போடுவதுதான் நியாயம். அதுவும் இல்லாமல் பேச்சுவார்த்தை நடத்தி, 3 பசலிகளுக்கு வசூல் செய்து கொடுக்கிறோம், பழைய பாக்கிகளைக் கேட்காமல் இருக்கவேண்டுமென்று ஒப்புக்கொண்டதனாலே, 3 வருஷம் என்று போடப்பட்டிருக்கிறது.

The amendments were put and lost.

Clause 20 was put and carried.

Clauses 21 to 32 were put and carried.

The Schedule was put and carried.

Clause 1, the Enacting Formula and the Long Title were put and carried.

* THE HON. SRI R. VENKATARAMAN : Sir, I move—

“ That the Kanyakumari Sreepandaravaka Lands (Abolition and Conversion into Ryotwari) Bill, 1964 (L.A. Bill No. 14 of 1964), be passed.”

The motion was put and carried and the Bill was passed.

(6) THE MADRAS (TRANSFERRED TERRITORY), THIRUPPUVARAM PAYMENT ABOLITION BILL, 1964 (L.A. BILL NO. 15 OF 1964), AS AMENDED BY THE SELECT COMMITTEE.

THE HON. SRI R. VENKATARAMAN : Sir, I move—

“ That the Madras (Transferred Territory), Thiruppuvaram Payment Abolition Bill, 1964 (L.A. Bill No. 15 of 1964), as amended by the Select Committee, be taken into consideration.”

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In moving this motion, I wish to explain briefly what thiruppuvaram is, and the important changes made in the Bill by the Select Committee.

“ Thiruppuvaram ” literally means “ deviated revenue ” and is either on assignment of revenue or on assignment of rent, payable in kind or in cash or in both in respect of certain lands in Kanyakumari district and Shencottah taluk to the total extent of 25,000 acres. It is payable to religious, educational or charitable institutions or to individuals on condition of rendering service to such institutions, or to individuals personally, without any condition of service. According to section 9 of the Travancore-Cochin Land Tax Act, 1955 (Travancore-Cochin Act XV of 1955), Thiruppuvaram is payable by the holders of the lands liable to it, in addition to the basic tax payable in respect of the lands to the Government. This dual levy has proved burdensome to the thiruppu-landholders. The Government have therefore, brought forward this bill, under which the thiruppu-landholders will be relieved of their liability to pay thiruppuvaram and the lands will be converted into Ryotwari under the other three previous Bills.

The Government will pay compensation to the thiruppu-holders. In the case of individuals entitled to receive thiruppuvaram without any obligation to render service, the compensation will be an amount equal to 16-2/3 times the aggregate of the annual amount of thiruppuvaram payable to them. In the case of institutions and service thiruppu-holders, the compensation will be paid in the shape of annual tasdik allowance equal to the aggregate of the annual amount of thiruppuvaram payable to them. The service thiruppu-holders will be bound to render the service and the tasdik allowance will be paid to them only so long as they render the service and if they fail to render the service, the tasdik allowance will become the absolute property of the institution concerned. Sree Padmanabhaswami temple at Trivandrum is a major thiruppu-holder and, under this Bill and under L.A. Bill No. 14 of 1964, the temple will be entitled to an annual tasdik allowance of not less than Rs. 1.50 lakhs, in lieu of its income from thiruppuvaram and its rental income from Sreepandaravaka lands.

In this State, when the Government have to pay compensation to an institution they have always been paying it in the shape of an annual tasdik allowance instead of in a single lump-sum payment. This ensures the efficient and continued maintenance of the institution.

The Select Committee has made certain changes in the Bill.

The Committee considered that the term “ landholder ” had already acquired a specific connotation by virtue of the definition in the Madras Estates Land Act, 1908 and that therefore, it is not appropriate to refer to it in the present Bill. It has, therefore, substituted the term “ thiruppu-landholder ” for the term “ landholder ” wherever it occurs in the Bill.

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The Committee has also modified the definition of "thiruppuvaram" in clause 2 (10), so as first to describe the nature of thiruppuvaram, namely that it is an assignment of revenue or rent, in whole or in part, payable in favour of any religious, educational or charitable institution or individual, and then to set out its attributes, namely, that it should be entered in the revenue accounts or recognised by customary law as such.

The Committee also considered that the Bill should contain provision to ensure that, after the appointed day, a third party does not have any enforceable claim against the Government or the thiruppu-holder in respect of any rights relating to thiruppuvaram which accrued before the appointed day and that he can only proceed against the compensation or tasdik allowance payable to the thiruppu-holder under this Bill. Clause 3 has accordingly been suitably modified and a new clause has also been inserted as clause 26, renumbering the subsequent clauses.

The Committee considered that a new provision should be inserted that, in cases where the grant of thiruppuvaram burdened with service is deemed to have lapsed on account of failure to perform the service before the appointed day, it shall be deemed to have lapsed with effect from the date of such failure, so that it can operate as a conditional limitation and that there is no liability to pay thiruppuvaram for the intervening period between the date of failure to perform the service and the date of enforcement of the order declaring the thiruppuvaram to have lapsed. A new clause 10 has accordingly been inserted renumbering the subsequent clauses.

The Committee also considered that the term "standard paragraph" occurring in clause 15 renumbered as 16 should have the same meaning, in all parts of the Kanyakumari district and Shencottah taluk. An explanation has accordingly been inserted to that clause stating that, for the purpose of that clause, a "standard paragraph" means a measure equivalent to 13.11 litres.

The Committee considered that the words "with interest thereon at three per cent per annum" occurring in sub-clause (5) of clause 22 renumbered as 23, may be omitted as the Government need not pay interest on amounts due to institutions as they are paid full tasdik allowance. The sub-clause has been amended accordingly.

Clause 25 of the Bill as introduced provides that in cases where thiruppuvaram dues are in arrears for more than three financial years on the appointed day, they shall be deemed to be discharged if the arrears due for any three financial years are paid within two years of the appointed day in not more than two instalments per year. The Committee has modified this clause (now renumbered as clause 27) so as to provide that, in such cases, if an amount equal to the arrears due for the three financial years immediately preceding the appointed day had been paid before such date or is

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paid within three years of such date, the entire arrears shall be deemed to be discharged; and that in the latter case the arrears may be paid in six half-yearly instalments.

Sir, I request the House to accept the motion.

MR. SPEAKER : Motion moved—

“ That the Madras (Transferred Territory) Thiruppuvaram Payment Abolition Bill, 1964 (L.A. Bill No. 15 of 1964) as amended by the Select Committee, be taken into consideration.”

* SRI A. KUNJAN NADAR : Sir, I welcome this Bill. While doing so, I have to point out certain legal aspects with regard to payment of compensation arising out of the abolition of Thiruppuvaram. The Thiruppuvaram tenure has been created due to so many causes and there are so many thiruppu-holders—Sree Padmanabhaswami temple and other temples and even individuals. Most of these thiruppu-holders have lost their right to collect Thiruppuvaram by the length of time and many of these thiruppus are not in existence either because the thiruppu-holder is not in existence or the intention with which it has been created is not there. So, during the time of the last settlement, the then Travancore Government wanted to abolish this tenure. But the abolition required a comprehensive enquiry as to which thiruppus now exist and which do not. Then again, this matter came up for consideration at the time of enacting the Basic Tax Act. Then also the Government wanted to institute an enquiry and then abolish it. But the basic land tax could not wait for this enquiry. So, it was again postponed to a future date. Now, we pay the thiruppu-holders compensation without enquiring into the legal liability to pay and into the fact that many of the thiruppus are not now in existence. So, I would suggest that before the Government make their final payment a comprehensive enquiry into this matter should be made.

Then with regard to the legal position, I have got my own doubts. The main thiruppu-holders are Sree Padmanabhaswami temple and in many cases the thiruppus were created by the Government by taking loans from the temple funds and some arrangement was also made for payment of interest on this loan. So, the legal liability even when it was created was with the then Travancore Government which created these thiruppus. That is to say, the then Travancore Government borrowed money for Government purposes for the whole of Travancore and not for Nanjinad or Kanyakumari district from a particular person. It was by accident that some arrangement was made regarding some land in Kanyakumari district to pay interest. They could as well have created this obligation regarding some lands in Quilon or some other place, and the tenants do not have any legal liability in the matter. So, the whole legal liability rested with the then Travancore Government. This loan was taken not for this particular

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area but for the whole State. Therefore, the legal liability rested with the then Travancore-Cochin Government and subsequently with the Kerala Government. So the question whether our Government have got a legal liability to pay has to be examined. We are taking this liability. In any case the arrears, three years' arrears should not be collected. It should be written off because we say it is illegal as far as the tenants are concerned. Government had allowed these arrears to accrue because that Government was in a helpless position to collect them. Even if the Thiruppuvaram is not abolished, we are not going to pay whatever be the steps the Government might take. In view of that, the three years arrears may be written off gracefully.

THE HON. SRI R. VENKATARAMAN : Mr. Speaker, Sir. If there was liability on the part of the previous Government of Travancore-Cochin State to pay Thiruppuvaram to the temple from lands which are situate in Kanyakumari district, burdened with the demand of thiruppuvaram, as successor Government this Government has to honour it. There can be no escape from that position. I know there are some people in Kanyakumari district who have been disputing the right to pay thiruppuvaram. A mere dispute is no conclusion. If it is not possible for some to pay, what we, Government, intend to do now should not be objected to. In any event I want to point out that it is not the tenants who are going to pay. It is not the people, for whom we are going to give ryotwari patta and who will have to pay according to ryotwari assessment hereafter, who are going to pay. It is the Government which has no honour its obligation. There will be no additional burden on the part of the ryots to pay anything by way of thiruppuvaram. So, I request the House to accept the motion.

MR. SPEAKER : The question is—

“That the Madras (Transferred Territory) Thiruppuvaram Payment Abolition Bill, 1964 (L.A. Bill No. 15 of 1964), as amended by the Select Committee, be taken into consideration.”

The motion was put and carried and the Bill was taken into consideration.

Clause 2.

MR. SPEAKER : The question is—

“That Clause 2 do stand part of the Bill.”

SRI A. KUNJAN NADAR : Sir, I move the following amendment :—

“In item 10 (1) of Clause 2, for the words ‘revenue accounts’, substitute the words ‘settlement register’.”

I am not moving my other amendment.

The amendment was duly seconded.

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MR. SPEAKER: The clause and the amendment are before the house for discussion.—

* SRI A. KUNJAN NADAR: The definition of "Thiruppuvaram" given in the Act is very comprehensive and all-embracing. From chaos we came to a definite position. The Travancore-Cochin High Court ruling is that thiruppuvaram means "thiruppuvaram entered as such" in the revenue records. That is the definition of thiruppuvaram. The only statutory register is the settlement register. Unless it is mentioned in the settlement register, it must be deemed to be gone. Even by mistake if it is not mentioned in settlement register as thiruppuvaram, nobody can claim on that tenure. So, there was finality. But the definition now given recasts the whole thing. It speaks of 'customary law', etc. There is no sanction for customary law so far as thiruppuvaram is concerned. If it is omitted in settlement register, it is final. It is not thiruppuvaram and no tenant was liable to pay. So this definition in Clause 2 may be simplified as I have said. Otherwise it will create a lot of confusion and litigation. Regarding other revenue records, they are only copies and extracts from settlement register, prepared by clerks in the Revenue Department. So the only record on which reliance should be made is the settlement register. The Basic Tax Act also gives this definition.

THE HON. SRI R. VENKATARAMAN: The definition of "Thiruppuvaram" says that not only that there should be some ingredients but that it should also be entered as "Thiruppuvaram" in revenue accounts. I would ask the hon. Member Sri A. Kunjan Nadar to read the definition under Clause 2 (10). It must have certain ingredients and also entered in Thiruppuvaram revenue accounts as Thiruppuvaram revenue lands. It must have all ingredients and should be recognised as customary law subsisting on the appointed day. On the day on which this comes into force, it must be subsisting. There must be some advantage in this definition also. If really there is a Thiruppuvaram tenant and somebody disputes it saying he was only a lessee, he will in order to get the benefit of this Act, rely on the payment he makes as also his continued payment on the subsequent day. If relation is subsisting, he can prove it. In any event it is not going to affect the Thiruppuvaram holder because the thiruppu-holder is not burdened with any liability on account of this. He is not going to pay any compensation or additional rent. He will pay only the land revenue which will be assessed according to the previous Bill which has been accepted by the House already. I submit that this definition may stand.

The amendment was by leave withdrawn.

Clause 2 was put and carried.

Clauses 3 to 35 were put and carried.

Clause 1, the enacting Formula and the Long Title were put and carried.

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THE HON. SRI R. VENKATARAMAN : Sir, I move—

*“ That the Madras (Transferred Territory) Thiruppuvaram
Payment Abolition Bill, 1964 (L.A. Bill No. 15 of 1964),
be passed. ”*

The motion was put and carried and the Bill was passed.

1-30 P.m. MR. SPEAKER : The House will now adjourn and meet again
at 8-30 a.m. to-morrow.

The House then adjourned.

IVP.—APERS LAID ON THE TABLE OF THE HOUSE.

A. Statutory Rules and Orders.

256. Notification issued with G.O. Ms. No. 1192, Rural Development and Local Administration, dated 30th May 1964 making rules regarding preparation and submission of Annual Report on the activities of the District Development Councils. [Laid on the Table of the House under section 14 (3) of the Madras District Development Councils Act, 1958 (Madras Act XVIII of 1958).]

B. Reports, Notifications and other papers.

* 189. The Madras Bhoodan Yagna (Amendment) Bill, 1964 (L.A. Bill No. 10 of 1964) as passed by the Legislative Assembly on the 31st March 1964 with annexure containing the amendments made by the Legislative Council on the 22nd April 1964.

* 190. Annexure to the Madras (Transferred Territory) Incorporated and Unincorporated Devaswoms (Amendment) Bill, 1964.

* 191. Annexure to the Madras Rinderpest (Amendment) Bill, 1964.

* Sent to Members, on 18th July 1964.